

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

DR. SHIVA AYYADURAI,

Plaintiff,

v.

WILLIAM FRANCIS GALVIN, in his official  
capacity as the Secretary of the Commonwealth  
of Massachusetts and his individual capacity,  
MICHELLE TASSINARI, in her individual  
capacity, DEBRA O'MALLEY, in her individual  
capacity, AMY COHEN, in her individual capacity,  
and NATIONAL ASSOCIATION OF STATE  
ELECTION DIRECTORS

Defendant.

CIVIL ACTION  
NO. 1:20-cv-11889-MLW

**RESPONSE TO AUGUST 5, 2021 ORDER ABOUT DOCUMENTS REQUESTED BY  
DEFENDANTS CONCERNING AUTHORSHIP OF PLAINTIFF'S MEMORANDUM OF  
LAW (DOCKET NO. 166)**

Pursuant to the Court's August 5, 2021 order, the Defendants request the following documents concerning the authorship of Plaintiff's Memorandum of Law (Docket No. 166) either be (a) produced by Plaintiff and all relevant document custodians acting as his attorneys or agents or (b) unsealed by the Court and made public:

1. All correspondence between Plaintiff and his attorneys at Todd & Weld concerning what claims to assert in a revised second amended complaint;
2. All correspondence between Plaintiff and Todd & Weld concerning the termination of Todd & Weld by Plaintiff;

3. All correspondence between Plaintiff and Todd & Weld concerning the memorandum of law, including all drafts of the memorandum of law, as well as the revised second amended complaint;
4. All correspondence between Plaintiff (or his other counsel) and Harder LLP, including Dilan Esper, Esq., concerning this case;
5. All correspondence between Plaintiff and Cornell Dolan, P.C., including Timothy Cornell, Esq., concerning the revised second amended complaint and the memorandum of law, including correspondence concerning who would author those documents;
6. All electronic documents relating to what would be filed as the memorandum of law, including all earlier drafts;
7. All filings with the Court that were made ex parte and under seal; and
8. All portions of transcript of August 4, 2021 that were ex parte and under seal.

To resolve the question of who participated in the creation of Plaintiff's memorandum of law, all documents produced by Plaintiff and other document custodians, including his attorneys and agents, should be produced in a forensically secure, electronic file with all metadata intact. Defendants' counsel asked Plaintiff's counsel to produce this material, but Plaintiff declined to do so.

Defendants also respectfully submit that the Court refer the discovery associated with this issue, including the production of document and the taking of testimony under oath of material witnesses, including Plaintiff and his counsel or agents, either by deposition or in open court, to a magistrate judge pursuant to Fed. R. Civ. P. 72(a). Moreover, Defendants request that the magistrate judge be empowered to make all necessary fact findings and prepare a report and recommendations for this Court's consideration concerning the creation of the memorandum of law. Defendants believe that such a referral will permit the efficient resolution of this issue and

will also allow the Court to focus on the new complaint that Plaintiff has been ordered to file and all dispositive motions made relating to this new complaint before the three-day hearing at the end of August.

Respectfully submitted,

Defendants,

WILLIAM FRANCIS GALVIN, in his official and individual capacities, MICHELLE TASSINARI, in her individual capacity, and DEBRA O'MALLEY, in her individual capacity,

By their attorneys,

MAURA HEALEY  
ATTORNEY GENERAL

/s/ Adam Hornstine  
Anne Sterman (BBO No. 650426)  
Adam Hornstine (BBO# 666296)  
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Adam.Hornstine@mass.gov

Date: August 5, 2021

**LOCAL RULE 7.1 CERTIFICATION**

I, Adam Hornstine, Assistant Attorney General, hereby certify that on August 4-5, 2021, I met and conferred with Plaintiff's counsel in an attempt to resolve or narrow the issues presented by this request for documents but was unable to do so.

/s/ Adam Hornstine

Adam Hornstine

**CERTIFICATE OF SERVICE**

I, Adam Hornstine, Assistant Attorney General, hereby certify that I have this day, August 5, 2021, served the foregoing **document**, upon all parties, by electronically filing to all ECF registered parties.

/s/ Adam Hornstine

Adam Hornstine